

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 396 by Representative Arnold

UTILITIES: Provides for changes to the La. Underground Utilities and Facilities Damage Prevention Law

Synopsis of Senate Amendments	
1.	Adds an exception to the <u>present law</u> definition of "excavation" or "excavate" for manual probing.
2.	Defines "forestry excavator" as an excavator who is a logger, prescribed burner, site preparation operator, or tree planter for commercial forestry operations.
3.	Deletes provisions in <u>proposed law</u> relative to exceptions for priority calls.
4.	Requires the utility or facility operator to mark the area if a forestry excavator requests that utilities and facilities be marked for location.
5.	Provides that such markings are deemed good as long as they are visible or up to 30 days, whichever is shorter.
6.	Adds violations and penalties for excavators and demolishers who fail to take precautions to avoid damage while digging.

Digest of Bill as Finally Passed by Senate

Present law defines "excavation" or "excavate" as any operation for the purpose of movement or removal of earth, rock, or other materials in or on the ground by the use of powered or mechanical or manual means, including pile driving, digging, blasting, auguring, boring, back filling, dredging, compressing, plowing-in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing.

Proposed law retains present law but adds an exception for manual probing.

Proposed law defines "forestry excavator" as an excavator who is a logger, prescribed burner, site preparation operator, or tree planter for commercial forestry operations.

Present law requires an excavator or demolisher, prior to any excavation or demolition, to serve telephonic notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place.

Proposed law retains present law and further authorizes the notice of intent to excavate to also be sent through electronic means.

Present law requires telephonic notice to be recorded on tape or stored into an electronic data bank by the regional notification center and a record of the notice to be retained for a three-year period from the date of notification.

Proposed law retains present law and further requires a record of an electronic notice to also be retained by the regional notification center for a three-year period from the date of notification.

Present law excludes an operator of an underground cable television utility from the

requirement to become a member of, participate in, and share the cost of a regional notification center.

Proposed law deletes the exclusion for cable television operators.

Proposed law requires each regional notification center to have the capability to receive emergency locate requests 24 hours a day and to disseminate the information as soon as it is received to the appropriate operators and all affected regional notification centers.

Proposed law requires that, if a forestry excavator has requested that the utilities and facilities be marked for location, the operator of a utility or facility shall mark the area of their utilities or facilities. Those markings shall be deemed good as long as the markings are visible or up to 30 days, whichever is shorter.

Present law provides for violations and penalties for excavators and demolishers that violate certain provisions of present law.

Proposed law retains present law and further provides that a violation of the requirement in present law to take precautions to avoid damage shall be punishable by civil penalty.

Present law provides that, until July 1, 2007, excavators and demolishers, in the parishes of St. Tammany, Orleans, St. Bernard, Jefferson, Plaquemines, Lafourche, Terrebonne, St. Mary, Iberia, Vermilion, Cameron, and Calcasieu shall serve telephonic notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place at least 96 hours, but not more than 240 hours, excluding weekends and holidays, in advance of the commencement of any excavation or demolition activity.

Proposed law repeals present law.

Present law provides that, until July 1, 2007, the excavator or demolisher, in the parishes of St. Tammany, Orleans, St. Bernard, Jefferson, Plaquemines, Lafourche, Terrebonne, St. Mary, Iberia, Vermilion, Cameron, and Calcasieu shall wait at least 96 hours following notification before commencing any excavation or demolition activity, except in the case of an emergency or if informed by the regional notification center that no operators are to be notified.

Proposed law repeals present law.

Present law provides that, until July 1, 2007, at the time of the telephonic call by the excavator or demolisher, the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place shall notify the excavator or demolisher who wishes to excavate or demolish in the parishes of St. Tammany, Orleans, St. Bernard, Jefferson, Plaquemines, Lafourche, Terrebonne, St. Mary, Iberia, Vermilion, Cameron, and Calcasieu that the "mark-by-time" is 96 hours in those parishes. The regional notification center or centers shall also adequately notify the excavator or demolisher by placing in bold type on the call ticket that the "mark-by-time" period in the area is 96 hours.

Proposed law repeals present law.

Effective Sept. 1, 2010.

(Amends R.S. 40:1749.12(4), 1749.13(B)(1) and (3), 1749.14(A) and (B), and 1749.20(B)(intro para); adds R.S. 40:1749.12(14) and 1749.14(C)(1)(v); repeals R.S. 40:1749.13(E))